

File No. 27745
No. 2523

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF NEVADA, IN AND FOR THE
COUNTY OF EUREKA.

JOHN LAXAGUE, PLAINTIFF,

VS.

ISADORE SARA and MARIE ARDANS SARA, his wife; WHITE PINE COUNTY, a body politic of the State of Nevada; the unknown heirs at law of JEANETTE E. MERRITT, deceased, LANSON A. MERRITT, deceased, GEORGE N. MERRITT, deceased, and JEANETTE MERRITT and FLORENCE MERRITT, and their unknown heirs, all individually and as the heirs at law of H. P. MERRITT, deceased (last known residence Eureka County, Nevada); the unknown heirs at law of JOHN WATTS FREEMAN, deceased, and JANE DOE FREEMAN, deceased, his wife, (Last known residence White Pine County, Nevada); the unknown heirs at law of WILLIAM DAUGHERTY, deceased, and JANE DOE DAUGHERTY, deceased, his wife (last known residence White Pine County, Nevada); the unknown heirs at law of FRANCIS DRAKE, deceased, and JANE DOE DRAKE, deceased, his wife (last known residence Ely, Nevada); the unknown heirs at law of H. V. PADDOCK, deceased, and JANE DOE PADDOCK, deceased, his wife, (last known residence Nye County, Nevada); MARY UNICK, VIRGINIA ROWLEY and ANNA MAZZIE, as the heirs at law of EMILIO BOITANO, deceased; SYDNEY TREMEWAN, EDITH HAGEMAN, OLIVER TREMEWAN, RUTH BOTSFORD, LUCILLE BROWN and S. C. TREMEWAN, as the heirs at law of ROSA TREMEWAN, deceased, and EMORY RIFFE and JOSEPH RIFFE, all as the heirs at law of OLIVER RIFFE, deceased; FIRST DOE, SECOND DOE and THIRD DOE, FOURTH DOE COMPANY, a corporation, and FIFTH DOE COMPANY, a corporation; together with each and all of the unknown heirs of each and all of the above named personal defendants; also all other persons unknown claiming any right, title, estate, lien or interest in the real property described in the complaint herein, or any part thereof, adverse to plaintiff's ownership, or any cloud upon plaintiff's title thereto.

Defendants.

No. 2523
Filed: February 1, 1949

Ed Delaney, Clerk

DECREE QUIETING TITLE

The above-entitled cause coming on duly and regularly to be heard as of the 1st day of February, 1949, before the above-entitled Court without a jury, no jury having been demanded by any of the parties hereto, and plaintiff appearing by his attorney, ORVILLE R. WILSON, ESC.; no defendants having appeared in the action, other than by Disclaimer, and their defaults having been duly and regularly entered for their failure to answer or otherwise appear and file any pleading or motion herein within the time limited by law, or at all, after having been duly and regularly served with Summons and Complaint in person or otherwise in the manner provided and approved by law;

And it appearing that plaintiff, within the time provided by law, filed for record in each of the offices of the County Recorder of the Counties of Eureka, White Pine and Nye, State of Nevada, a notice of the pendency of this action containing a statement of the object of the action, and a particular description of the property affected thereby; that Summons herein was duly issued and has been duly and regularly published in the following newspapers:

Tonopah Times-Bonanza, Nye County, Nevada;
Eureka Sentinel, Eureka County, Nevada;
Ely Daily Times, White Pine County, Nevada;

that portions of the property are situate in each of the Counties of Eureka, Nye and White Pine, State of Nevada, but in no other County or Counties of said State; that said publications were made once a week for a period of four successive weeks, as more fully appears from the Affidavits of Publication on file herein; that the Summons in said action contained a description of the real property affected by said action, and that said Summons was posted in a conspicuous place on each separate parcel of said property described in the Complaint, within thirty days after the issuance of said Summons, as more particularly appears from the Affidavit of Posting on file herein; that all defendants not personally served have been duly and regularly served by publication and mailing in the manner required by law, and by the

Order for Publication of Summons on file herein; which said order was made pursuant to Affidavit for Publication of Summons theretofore duly filed, as more fully appears from the said Affidavit for Publication of Summons, and the said Order for Publication of Summons and Affidavit of Mailing on file herein; that all of the provisions of Section 9070, N.C.L. 1929, as amended, have been fully complied with; that defendants MARY UNICK, VIRGINIA ROWLEY and ANNA MAZZIE, served per above, have in addition appeared by Disclaimer herein; that, as more fully appears from the Affidavit of plaintiff's attorney on file herein, since the commencement of said action plaintiff has neither learned the name or names of any defendants impleaded herein an unknown heirs, nor received any information indicating a line of search or inquiry which, if properly pursued, might lead to the discovery of such name or names, and that the same still remains and remain unknown to plaintiff, although diligent search and inquiry has been made by or in behalf of plaintiff and resulted in failure to learn such name or names, and that the same are still unknown to plaintiff; that, as more fully appears from the Affidavit of plaintiff's Attorney on file herein, none of said defendants is in the military or naval service of the United States; that plaintiff has never made any conveyance of said real property, or any part thereof, or any interest therein, except as hereinafter described;

And it appearing through documentary and oral proofs presented to the Court that all of the facts, things and matters set forth in plaintiff's Complaint are true and that plaintiff is the owner in fee simple, subject to Deeds of Trust and executory contract hereinafter described, under and pursuant to valid deeds of conveyance, and now is, and he and his predecessors in interest have been and were continuously for more than fifteen years next immediately preceding the filing of the Complaint herein, in the actual, exclusive, continuous uninterrupted, open, notorious, peaceful and adverse possession of the said real property, claiming to own and hold the same in fee against the world; and that plaintiff and his predecessors have, for more than five years next immediately preceding the filing of the Complaint herein, paid all of the taxes of every kind, levied or assessed or due against the said real property or any part thereof;

NOW THEREFORE, the Court having fully considered testimony given under oath and other evidence introduced upon said hearing with respect to plaintiff's title and with respect to the title or claim of defendants, known or unknown, and with respect to any adverse claims to or clouds upon said real property or any part thereof, and the Court being fully advised as to the law and the facts in the premises and it appearing that the plaintiff is entitled to the relief prayed for;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

That each and every defendant herein was duly and regularly served with Summons and Complaint in person or otherwise, as required by law, and full jurisdiction to hear and determine said cause and to make and enter this decree was and is vested in this Court.

That plaintiff is the owner of and seized in fee simple absolute and in the actual and peaceable possession of the real property described in the Complaint herein, and of each and every parcel thereof, subject to the following:

Trust Deed dated December 19, 1941, recorded in Book 135 Mortgages, page 569, White Pine County Recorder's records by Eureka Land and Stock Company (plaintiff's predecessor in interest) to J. H. BIGGER, Trustee for Eastern Nevada Company and Nevada Bank of Commerce, Beneficiary;

Trust Deed dated December 31, 1943, recorded in Book 138 of Mortgages, page 48, White Pine County Recorder's records by Eureka Land and Stock Company (plaintiff's predecessor in interest) to H. G. Lathrop, Trustee for Eastern Nevada Company and Nevada Bank of Commerce, Beneficiary;

Trust Deed dated March 25, 1946, recorded in Book 142 Mortgages, page 350, White Pine County Recorder's records by John Laxague, Trustor, to James M. Olin, Trustee, for the Nevada Bank of Commerce, Beneficiary.

Each of the above-described Deeds of Trust has been recorded in the Counties of Nye and Eureka, State of Nevada, in addition to the recording in White Pine County.

Subsisting Contract of Purchase and Sale from plaintiff to OSCAR RUDNICK, SAM RUDNICK AND JOHN L. BROWN, of Bakersfield, California, which said Contract is dated March 10, 1948, and under which said plaintiff is selling to the persons designated all of the property hereinafter described; that said Contract is in good standing in all respects, and is in the process of being executed by the parties thereto.

That none of the said defendants, nor any other person or persons has or have any right, title, interest or estate in or lien upon the said real property, or any part thereof.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED:

That defendants above named and all persons holding through or under them or any of them, and all other persons except plaintiff herein and his successors in interest, be, and they hereby are, and each of them hereby is, perpetually enjoined and restrained from asserting any right, title, interest, claim, estate or possession in or lien upon said property or any part thereof, adverse to the plaintiff herein.

The title of plaintiff is not subject to those certain Mortgages recited in the Complaint and more particularly described as follows:

Mortgage dated November 24, 1933, recorded in Book 112 Mortgages, page 262 in White Pine County Recorder's records, executed by Eureka Land and Stock Company (plaintiff's predecessor in interest) to Regional Agricultural Credit Corporation;

Mortgage dated April 29, 1937, recorded in Book 112 of Mortgages, page 584, White Pine County Recorder's records, executed by Eureka Land and Stock Company (plaintiff's predecessor in interest) to Regional Agricultural Credit Corporation;

Mortgage dated January 11, 1941, recorded in Book 120 Mortgages, page 183, White Pine County Recorder's records, executed by Eureka Land and Stock Company (plaintiff's predecessor in interest) to Regional Agricultural Credit Corporation;

for the reason that said obligations secured by said mortgages, and each of them, has been fully paid and the respective Counties in which said mortgages have been recorded, that no assignments of any name or nature to the above-described mortgages from the Regional Agricultural Credit Corporation have been established unto the Nevada Bank of Commerce.

That said mortgages above-described were also duly and properly recorded in Nye and Eureka Counties, and have been properly released in said Counties.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED:

That the said property herein referred to and described in said Complaint and whose title is hereby quieted, established and determined in the plaintiff, subject to above-named Deeds of Trust and executory Contract of Purchase and Sale, comprises that certain real property particularly described as follows:

PARCEL I

All those certain lots, pieces or parcels of land situate, lying and being in the County of Eureka, State of Nevada, particularly described and bounded as follows:

T. 22 N., R. 51 E., M.D.B. & M.

Sec. 8: NW $\frac{1}{4}$ SE $\frac{1}{4}$
 19: SE $\frac{1}{4}$ SW $\frac{1}{4}$; Lots 3 and 4 of the SW $\frac{1}{4}$ (also described as the W $\frac{1}{2}$ SW $\frac{1}{4}$)
 30: NE $\frac{1}{2}$ NW $\frac{1}{4}$; Lot 1 of NW $\frac{1}{4}$ (also described as NW $\frac{1}{4}$ NW $\frac{1}{4}$); Lot 2 of NW $\frac{1}{4}$ (also described as SW $\frac{1}{4}$ NW $\frac{1}{4}$); Lot 3 of SW $\frac{1}{4}$ (also described as NW $\frac{1}{4}$ SW $\frac{1}{4}$); Lot 4 of SW $\frac{1}{4}$ (also described as SW $\frac{1}{4}$ SW $\frac{1}{4}$)

T. 24 N., R. 51 E., M.D.B. & M.

Sec. 1: SW $\frac{1}{4}$ SW $\frac{1}{4}$
 2: E $\frac{1}{2}$ SE $\frac{1}{4}$
 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$
 12: W $\frac{1}{2}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$
 13: E $\frac{1}{2}$ NW $\frac{1}{4}$

T. 25 N., R. 51 E., M.D.B. & M.

Sec. 34: N $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$
 35: SW $\frac{1}{4}$ NW $\frac{1}{4}$
 36: SW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$

PARCEL II

All those certain lots, pieces or parcels of land situate, lying and being in the County of White Pine, State of Nevada, particularly described and bounded as follows:

T. 14 N., R. 56 E., M.D.B. & M.

Sec. 12: S $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$
 13: W $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$
 14: SE $\frac{1}{4}$ SE $\frac{1}{4}$
 23: SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$
 25: SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$
 36: SE $\frac{1}{4}$ SW $\frac{1}{4}$

T. 17 N., R. 56 E., M.D.B. & M.

Sec. 5: SW $\frac{1}{4}$ SE $\frac{1}{4}$
 14: NW $\frac{1}{4}$ NE $\frac{1}{4}$

T. 18 N., R. 55 E., M.D.B. & M.

Sec. 7: SE $\frac{1}{4}$ SW $\frac{1}{4}$

PARCEL III

All those certain lots, pieces or parcels of land situate, lying and being in the County of Nye, State of Nevada, particularly described and bounded as follows:

T. 11 N., R. 56 E., M.D.B. & M.

Sec. 1: W $\frac{1}{2}$ SW $\frac{1}{4}$
 2: E $\frac{1}{2}$ SE $\frac{1}{4}$
 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$
 12: NW $\frac{1}{4}$

T. 13 N., R. 56 E., M.D.B. & M.

Sec. 1: SW $\frac{1}{4}$ NE $\frac{1}{4}$; Lot 3 of NW $\frac{1}{4}$ (also described as NE $\frac{1}{4}$ NW $\frac{1}{4}$); W $\frac{1}{2}$ SE $\frac{1}{4}$
 12: W $\frac{1}{2}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$
 13: E $\frac{1}{2}$ E $\frac{1}{2}$
 24: SE $\frac{1}{4}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$
 25: E $\frac{1}{2}$ E $\frac{1}{2}$
 36: E $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$

Together with all waters, water rights, rights to the use of water, dams, ditches, canals, pipe lines, reservoirs and all other means for the diversion or use of waters appurtenant to the said property or any part thereof, or used or enjoyed in connection therewith, and together with all stockwatering rights used or enjoyed in connection with the use of any of said lands; and together with all range rights, grazing rights and forest rights, and in particular, but without limitation thereto, all rights to graze livestock on the public domain under what is known as the Taylor Grazing Act, owned by the first party, or used or enjoyed in connection with any of said property, and together with the improvements and appurtenances.

The said first party in this paragraph mentioned is the plaintiff herein.

DONE IN OPEN COURT as of this 1st day of February, 1949.

HARRY M. WATSON
 DISTRICT JUDGE PRESIDING

STATE OF NEVADA,)
) SS.
 COUNTY OF EUREKA.)

I, Ed Delaney, County Clerk and ex-officio Clerk of the Third Judicial District Court of the State of Nevada, Eureka County, do hereby certify that the annexed is a full, true and correct copy of DECREE QUIETING TITLE as appears as of record and on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand officially and affixed the Seal of said Court, at my office in the town of Eureka, this 1st day of Feb., A.D., 1949.

(Official Seal)

Ed Delaney, County Clerk.
 And ex-officio Clerk of the District
 Court, Eureka, County.

Recorded at the request of Crville R. Wilson, Feb. 1, A.D., 1949 at 0 minutes past 1 P.M.

Peter Merialdo--Recorder.